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South Carolina House of Representatives

Legislative Update

David H. Wilkins, Speaker of the House

Vol. 13

April 16, 1996

No. 14

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WEEK IN REVIEW

HOUSE

elections

Circuit Judge William Howard was elected to the State Appeals Court. Howard, who presided over the Susan Smith murder trial, ran for the Appeals Court earlier this year but lost to former Representative Tom Huff of North Augusta. The Joint Committee for Judicial Screening is accepting applications through Friday from Charleston and Berkeley County lawyers for Howard's former Circuit Court seat.

Elections also were held for trustee board members of various colleges and universities, and for two members of the Citadel Board of Visitors. Col. Leonard C. Fulgham, Jr. and Douglas A. Snyder were elected to the Citadel Board of Visitors. The following were elected to trustee boards:

Clemson University- Louis B. Lynn, William C. Smith, Jr., Allen P. Wood

College of Charleston- Cherry Daniel, Joel H. Smith, J. Phillip Bell, Meryl F. Code, J. Vincent Price, Jr., Marie M. Land, Timothy N. Dangerfield

Francis Marion University- J. Michael Murphee, Gail Richardson, William A. Collins, Alex Kiriakides, Lorraine H. Knight, William W. Coleman, Jr., M. Russell Holliday, Jr.

Lander University- Nancy J. Cash, George R. Starnes, Jean T. McFerrin, C. Tyrone Gilmore, S. Anne Walker, Walter D. Smith, Ann B. Bowen

Medical University of South Carolina (MUSC)- Charles B. Thomas, Jr., Cotesworth P. Fishbourne, Jr., E. Conyers O'Bryan, Melvyn Berlinsky, H. Donald McElveen, Fred Moore

South Carolina State University (SCSU)- John Williams, Jr., Walter L. Salters

University of South Carolina (USC)- Miles Loadholt, J. DuPre Miller, James Bradley, Herbert C. Adams, Robert N. McLellan, Helen C. Harvey, M. Wayne Stanton, Samuel R. Foster

Wil Lou Gray Opportunity School- Marvin Efron, Wilhemina McBride, "Frankie" Newman, Suzanne Turner Reynolds

Winthrop University- Jane C. Shuler, David A. White

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concurrence in Senate amendments, to be ratified

H. 4064, regarding manufactured housing, provides that construction standards apply to mobile homes as well. The measure requires that manufactured home contractors, installers, and repairers warrant their work for twelve months. The bill also provides that a criminal violation is cause for denying a license to sell manufactured housing, revises some license expiration dates, as well as fines for license violations. In addition, a tenth member who must be a licensed manufactured home contractor, installer, or repairer is added to the "Manufactured Housing Board." H. 4335 establishes requirements and penalties for the importation of shellfish into the state.

nonconcurrence in Senate amendments, amended, returned to the Senate for concurrence

H. 3901, originally similar to S. 699, affected the sale of real property to collect delinquent property taxes. The measure would have increased the interest rate from eight to twelve per cent during the last six months of the redemption period, and provided that owners had to pay delinquent taxes before the sale date to redeem their property. However, that language was struck and the bill was amended to provide additional tax relief and local government tax caps instead. Most local governments would be required to receive a two-thirds "supermajority" approval to raise taxes or fees more than the rate of inflation and growth. However, increases due to natural disasters, debt service retirement, and judicial mandates would be exempted from these caps. Also, governing bodies would be allowed to collect up to four per cent, rather than the three per cent included in the House budget, in taxes on meals and accommodations. Another provision calls for a referendum asking voters whether to raise the sales tax by a penny in order to eliminate property taxes on vehicles. This would save the state's nearly two million vehicle owners about two hundred thirteen dollars (\$213) annually in taxes, providing tax relief to non-homeowners as well. It is estimated that overall taxes paid in South Carolina will decrease by eighty million dollars as additional revenue is collected from tourists. As the bill came from the Senate, it contained proposals to raise the sales tax by a penny to eliminate all property taxes, reduce the manufacturer's depreciate rate to ten per cent, decrease small business taxes, phase out income taxes for the elderly, and provide a tax credit to low income individuals to offset the sales tax hike. However, this language was removed from the bill in the House.

received third reading, amended, returned to the Senate for concurrence

S. 699 is the Senate version to accomplish what H. 3901 originally set out to do. The Senate measure affects the sale of real property in order to collect delinquent property taxes. It increases the interest rate from eight per cent to the applicable rate during the last twelve months of the redemption period, and provides that owners must pay delinquent taxes before the sale date to redeem their property. One House amendment to the bill requires that owners receive written notification of any excess resulting from the sale of the property. Another prohibits county officials and their families from participating in the sale of such property for personal gain.

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received third reading, sent to the Senate for consideration

H. 4323 raises the maximum speed limit on interstate highways in South Carolina to seventy miles per hour, and sixty miles per hour on multilane divided highways. State engineers would be permitted to set speed limits higher than fifty-five miles per hour on some state highways. The bill also provides for a forty-five miles per hour speed limit on unpaved roads, and a thirty miles per hour limit in an urban district. In addition, vehicles pulling trailers are required to travel ten miles per hour slower than the posted speed limit. The measure was proposed in response to revocation of national speed limits by the federal government, allowing states to set their own maximum limits. H. 4520 provides for binding arbitration as an alternative dispute resolution for state employee grievances. It also requires that an employee initiate a grievance within fourteen days of the effective date of the action rather than the current twenty-one days. The bill is similar to S. 1079 which was recalled from the House Judiciary Committee last week and now is up for second reading in the House. H. 4568 authorizes the establishment of additional South Carolina Veterans Homes to be run by the Department of Mental Health (DMH). Similar to federal Veterans' Administration nursing homes, the state-run homes will provide treatment for South Carolina veterans whose physical or mental condition require long-term care. DMH will consult with the Division of Veterans Affairs in the Governor's Office concerning the policies, management, and operation of the veterans homes. H. 4649 establishes a central cancer registry at the Department of Health and Environmental Control (DHEC). Statistics will be compiled from all health care providers who diagnose and/or treat cancer. This information will be used to develop a statewide strategy to prevent cancer, encourage early detection, and improve care. Funding will come from the federal Center for Disease Control. H. 4663 provides that the granting of bail is discretionary in most cases, but would continue to be prohibited for offenders serving death or life sentences, or serving a sentence of ten years or longer. H. 4701 authorizes financial institutions to open new deposit accounts at public events or businesses, such as college campuses, trade shows, grocery stores, etc. H. 4796 permits owners of semitrailers to pay a onetime fee of eighty-seven dollars (\$87) in lieu of property taxes and registration. The bill also requires the Department of Public Safety to assess the value of motor carriers subject to property tax. While the measure would have no immediate fiscal impact, it is estimated that local governments could receive a fifty per cent increase in future property tax revenues from motor carriers. H. 4811 is a joint resolution creating the Committee for Improved Race Relations. The measure requires that the committee submit recommendations to alleviate racial problems and tensions in South Carolina. This report is due to the General Assembly by October 15, 1996 at which time the committee will be dissolved. H. 4833 updates the Procedures Act of 1995 to comply with current provisions. It conforms the statute of limitations on gas tax to make it consistent with other taxes, and clarifies provisions relating to unclaimed property and jeopardy assessments. Also, the measure extends time constraints for protest and filing periods.

received second reading

H. 4434 provides permanent revocation of a person's driver's license after a third driving under the influence (DUI) offense. To apply for a one-time reinstatement, a person must have had no violations for the five years prior to application, have completed a drug assessment and treatment program, and have paid the fifty dollar (\$50) reinstatement fee. However, a person

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convicted of felony DUI would not be eligible for reinstatement. H. 4825 clarifies last session's gas tax bill. The measure provides that license taxes are in lieu of other taxes, and that the backup tax applies to alternative fuels as well as gasoline. Another provision states that a license may be suspended or revoked for failure to comply with deferred payments. H. 4834 makes numerous revisions to state tax laws. The bill provides that income tax forms may be mailed first class rather than certified or registered mail, and authorizes alternative means for signing returns. It also redefines liabilities of innocent spouses where the primary responsibility for the incurred tax rests with the other spouse. Another provision deletes the requirement of certified notification for revocation of licenses.

placed on the contested calendar

Four bills were placed on the contested calendar for second reading last week. H. 3803 raises the age at which driver's licenses and permits may be obtained. A person would have to be seventeen years old, rather than the current sixteen years old, to receive a driver's license. A person at least fifteen years old who passed the written examination could receive a twelve month beginner's permit, allowing him to drive during daylight hours when accompanied by a driver at least twenty-one years old who has at least one year of driving experience. A restricted license would be issued to a person between fifteen and seventeen years old who had received a beginner's permit and had passed a road test. The restricted license permits unsupervised driving during daylight hours, but requires supervised nighttime driving accompanied by a driver at least twenty-one years old who has at least one year of driving experience. H. 4443, the Charter Schools Act, authorizes establishment of district-wide schools which are freed from certain state regulations. The measure permits these schools to be dedicated to specialized academic areas, and to hire unlicensed teachers. H. 4469 is known as the "South Carolina Effective Death Penalty Act of 1996." The bill limits the appeals process and empowers the governor to set execution dates rather than the Supreme Court. Deadlines would be set for filing post-conviction death penalty relief appeals. Prosecutors would have thirty days to answer an appeal rather than the current ninety days. Fifteen days later, a status conference would have to be held. A hearing would be scheduled forty-five days after the conference, with a judge's ruling required within thirty days of the hearing. H. 4637, similar to S. 1195, defines the mission of higher education in South Carolina and requires accountability from higher education institutions. The bill also provides the Commission on Higher Education with regulatory authority for the first time. The Commission is authorized to close institutions which do not meet standards, and to eliminate programs which are duplicated unnecessarily. The measure establishes critical success factors for academic quality, and prescribes performance indicators to measure these factors. In addition, it revises the method of determining budgets of higher education institutions, and bases those budgets in part on achievement of standards rather than the number of students served.

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tabled, vote reconsidered, debate adjourned

H. 4447 provides that a child may attend a South Carolina public school only if he lives with a resident of that school district. The bill deletes a provision that allows for attendance when a child owns real estate with an assessed value of three hundred dollars (\$300) or more in that district. Debate was adjourned until Tuesday, April 16, 1996.

recalled

S. 1079 was recalled from the House Judiciary Committee last week and now is up for second reading in the House. The bill provides for binding arbitration as an alternative dispute resolution for state employee grievances. It also specifies which grievances may be mediated, and requires an employee to initiate a grievance within fourteen days after the effective date of the action, rather than the current twenty-one days. The measure is similar to H. 4520 which received third reading in the House last week and was sent to the Senate for consideration.

conference committee members appointed

Representatives Marion Carnell, Harry Hallman, and Juanita White were appointed to a conference committee on S. 846. The bill provides for issuance of state Olympic license tags raising an estimated twenty-three thousand dollars (\$23,000) per thousand tags. The House proposed that revenue be divided equally between the United States Olympic Committee and the South Carolina Special Olympics. However, the Senate provided that the South Carolina Amateur Sports Program would receive half of the money.

SENATE

budget negotiations

The Senate Finance Committee began work on the \$4.4 billion dollar budget for fiscal year 1996-97 last week. Among the proposals suggested are \$27.3 million dollars for the first year of a two year phase in of all day kindergarten for five year olds, a 3.4% pay raise for state employees, \$2.7 million dollars to hire forty-five new troopers, \$1.6 million dollars for new license tags, and \$3 million dollars for electronic monitoring of offenders.

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concurrence in House amendments, to be ratified

S. 991 revises the "Omnibus Insurance Fraud and Reporting Act." Requested by the Insurance Fraud Division of the Attorney General's Office, the bill requires that all state agencies report any knowledge or suspicion of insurance fraud and provides them immunity for such reports. Insurance employees designated to investigate fraud who share information with the National Insurance Crime Bureau, the National Association of Insurance Commissioners, or other insurance employees also designated to investigate fraud would be granted immunity as well.

nonconcurrence in House amendments, amended, returned to the House for concurrence

S. 1101 requires members of voter registration boards, and election and registration commissions to complete training and pass an examination by the State Election Commission within eighteen months after election. The bill also changes appointment procedures for poll managers and clerks.

read the third time, amended, returned to the House

H. 3557 provides that a civic organization which is exempt from paying federal taxes does not have to file a registration statement with the Secretary of State under the Solicitation of Charitable Funds Act. The bill also allows an organization to collect up to twenty thousand dollars (\$20,000) without having to file the statement. Currently that cap is five thousand dollars (\$5,000). The bill also provides that state and local governments do not have to file a registration statement. Under the measure, organizations which are not exempt under these conditions must file a financial report covering the preceding fiscal year within four and one-half months after the close of the organization's fiscal year. Currently that report is due within two and one-half months. **H. 3985** revises public hearing and notification requirements concerning insurance rate increases. The bill provides that insurers which earn less than two million dollars annually in South Carolina, rather than the current five hundred thousand dollars (\$500,000), do not have to comply with public notice and hearing requirements for rate increases. The measure also revises information to be included in a public notice when needed, and provides that a copy of the notice must be sent to the Consumer Advocate. **H. 4666** provides that the South Carolina Research Authority may be known as the "SCRA." The bill also authorizes the SCRA to form not-for-profit and for-profit corporations. The Senate amendment provides for independent auditing of any for-profit corporations formed. This measure is similar to **S. 1187** which was recommitted to the Senate Finance Committee last week.

received third reading, sent to the House

S. 128 decreases the sentence for a second offense of driving under the influence (DUI) from sixty days to thirty days so that these cases may be heard in magistrate's court rather than circuit court. **S. 659** provides that hotels with liquor licenses may establish in each room a locked "hospitality cabinet" containing no more than thirty mini-bottles. **S. 1033** requires the Attorney

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General to establish a youth mentor program combining church and community resources. Participation in this program may be ordered by the Family Court as a pretrial diversion option or as an alternative case disposition for nonviolent offenders. This bill is similar to H. 4900 which was assigned to the House Judiciary Committee last week. S. 1035, regarding local government expenditures mandated by the General Assembly, provides that counties are bound by general and special appropriation acts although these bills do not require two-thirds approval for passage.

S. 1079 provides for binding arbitration as an alternative dispute resolution for state employee grievances. The bill specifies which grievances may be mediated, and requires an employee to initiate a grievance within fourteen days of the effective date of the action, rather than the current twenty-one days. The measure is similar to H. 4520 which received third reading in the House last week and was sent to the Senate for consideration. S. 1114 authorizes Georgetown County to have a Register of Mesne Conveyance. S. 1195 defines the mission of higher education in the state. It provides the Commission on Higher Education with regulatory authority for the first time. The Commission also is allowed to close institutions which do not meet standards, and to eliminate programs and institutions which are duplicated unnecessarily. Critical success factors for academic quality are established, and performance indicators are prescribed to measure these factors. The measure also revises the method to determine budgets, based in part on achievement of standards rather than number of students served. The bill also provides for an independent audit of the \$600 million dollars spent annually on higher education. This audit is to be completed by July 1998. The measure is based on recommendations of a bipartisan, public/private task force. It focuses on several major areas: teacher and classroom quality, cooperation between the institutions, entrance requirements, achievements of graduates, efficiency, mission, and research funding. H. 3915, a complementary bill enacting some of these provisions, was recalled from the Senate Education Committee last week and committed to the Senate Medical Affairs Committee. S. 1327 prohibits the governor from reappointing a magistrate who fails to meet training or certification requirements. This measure was introduced after reports that four magistrates who failed the test were able to keep their jobs despite a state law requiring their removal. S. 1328 approves a State Crop Pest Commission regulation designating the tropical soda apple as a noxious weed which may be eradicated in the state. S. 1345 concerns the Confederate submarine sunken off the coast of Sullivan's Island. The measure provides that the Hunley Commission is exempt from the state procurement code. It also authorizes the Commission to sign an agreement which gives South Carolina permanent custody of the submarine but allows the federal government to retain the title.

concurrent resolution adopted

H. 4841 designates Thursday, May 2, 1996 as "Legislative Family Day 1996" in recognition and appreciation of the patience and understanding shown by families of members of the General Assembly.

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recalled and committed

H. 3915 was recalled from the Senate Education Committee and committed to the Senate Committee on Medical Affairs. This bill addresses the composition of the Commission on Higher Education and enacts some of the provisions contained in **S. 1195**.

recommitted

S. 1187 was recommitted to the Senate Finance Committee. The measure is similar to **H. 4666** which received third reading in both chambers but was amended by the Senate last week and returned to the House for concurrence. The Senate bill provides that the South Carolina Research Authority may be known as the "SCRA," and may form not-for-profit and non-profit corporations. **H. 4387** was recommitted to the Senate Judiciary Committee. The bill grants employers immunity for providing references for former employees. An absolute immunity would be granted for such objective information as hiring date and salary. Qualified immunity would be provided for subjective information, such as work ethic and habits. Litigation could be brought only in cases of knowingly false or reckless disclosure. This measure is similar to **S. 1041** which has received third reading in both chambers and has been enrolled for ratification.

public hearing

The Senate Medical Affairs Committee will hold a public hearing on Monday, April 22, 1996 at the Koger Center in Columbia. Members will hear testimony about the proposed lease of three hospitals at the Medical University of South Carolina (MUSC) to the Columbia/HCA hospital chain.

COMMITTEE ACTION

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

Committee members reported favorably on two bills last week. **S. 68** provides immunity from liability for a technical expert who provides advice and assistance to a local government during a hazardous materials emergency. **H. 4717** defines "structural fill" and restricts local governments from regulating these facilities. Also, the measure authorizes the Department of Health and Environmental Control (DHEC) to issue permits for short term structural fills which operate less than twelve months.

The Committee also approved a DHEC regulation concerning the use of nonhazardous solid waste on land for agricultural, silvicultural, and horticultural purposes rather than simply for disposal. The regulation encourages and establishes criteria for recycling materials which habitually have been disposed of in a landfill but may be used instead to produce crops or forest products, or on land being reclaimed to enhance its aesthetic value or to reduce environmental degradation.

Last month, **H. 3553** failed to be approved. The bill prohibited the transportation of spent nuclear fuel or high-level radioactive waste in the state without an environmental impact statement and certification that the material would not pose a significant risk. The measure was designed to lessen the amount of European spent fuel being sent to the Savannah River Site for storage. A motion was made at that time to reconsider the vote; however, the motion to reconsider failed last week, effectively killing the measure for the session.

EDUCATION AND PUBLIC WORKS

Only the full Education and Public Works Committee met last week, reporting out no legislation.

JUDICIARY

Committee members reported favorably on ten bills last week. **S. 1084** codifies and condenses provisions concerning sale of beer, wine, and alcoholic beverages into a single chapter. **S. 1102**, concerning absentee ballots, authorizes that handicapped and illiterate voters may make their marks on ballots. Originally the bill provided that the absence of the witness' address on the envelope was not a ground for challenging the ballot; however, the Judiciary Committee struck that provision from the bill. **H. 4251** provides that drivers are responsible for requiring anyone under eighteen years old, rather than the current seventeen years old, to wear safety belts in vehicles. Drivers who do not comply are guilty of failure to secure a safety belt on a minor. This offense is punishable by a waivable fine of not more than twenty-five dollars (\$25). The Judiciary Committee amended the bill to provide that drivers may not be stopped for this offense in the absence of another violation, except at license and registration checkpoints. **H. 4502** prohibits

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same-sex marriages, and provides that such marriages performed in other states will not be recognized in South Carolina. A similar bill was reported favorably by the Senate Judiciary Committee last week also. **H. 4692** concerns sales of abandoned property by owners of self-storage facilities to recoup delinquent rental fees. The bill deletes the requirement that the sale must be advertised in a local newspaper, and that other parties with superior liens must be notified. A Judiciary Committee amendment requires owners to provide local law enforcement agencies with a detailed inventory of the personal property to be sold, including serial numbers when available. **H. 4743** authorizes a candidate for director of a watershed conservation district to declare his candidacy with the State Election Commission rather than being required to submit a nominating petition. **H. 4789**, concerning child support payments, also contains "The Uniform Interstate Family Support Act" relating to Welfare provisions. The measure requires applicants for licenses to submit their social security number, and provides employers with greater incentives and tax breaks for hiring Welfare recipients. An amendment by the Judiciary Committee provides for transitional Medicaid and child care benefits for two years rather than one year for Welfare recipients who lose eligibility because of employment or who become employed after losing eligibility by exceeding the two year time limit. **H. 4802** provides that retired Family Court judges may be assigned by the Chief Justice to serve in any court as needed. **H. 4803** gives the State Supreme Court more power to remove bad judges. The joint resolution establishes reasons, other than impeachment, that the State Supreme Court may recall judges. These include misconduct, ethical breaches, habitual intemperance, persistent failure to perform the duties of office, and mental or physical incapacity. **H. 4805** is an extensive revision of appeals laws.

Two bills failed and another was tabled in committee action last week. Members tabled **H. 4563**, which required a certificate of environmental compatibility and public convenience, and necessity for siting of gas pipelines. The measure also deletes language stating that the Public Service Commission (PSC) does not have the authority to prescribe the routing of pipeline "rights-of-way." Representatives failed to approve **H. 4529** and **H. 4652**. **H. 4529** called for a referendum to determine whether members of the State House of Representatives should serve four year terms rather than two year terms. **H. 4652** concerned the transfer of a domestic animal to a shelter when the owner fails to pick up the animal. Current law provides that a person who boards animals of others may transfer an abandoned animal to a shelter ten days after the agreed date on which the owner was to have picked up the animal. Before doing so, owners must have signed an agreement for doing such, and notification by mail must have been attempted. This bill provided that a person who transfers an animal without first undertaking these measures is guilty of a misdemeanor, and must be imprisoned for not more than thirty days or fined not more than two hundred dollars (\$200).

LABOR, COMMERCE, AND INDUSTRY

The full Labor, Commerce and Industry Committee reported favorably on two bills: **H. 4701** allows financial institutions to open new deposit accounts at public events or commercial locations (i.e. college campuses, trade shows, etc.) so long as the sponsoring organization gives permission; **H. 3913** exempts homeowners associations from regulations for swimming pool construction and operation permits. The Committee also recommended approval for two regulations: **R. 1908**, proposed by the Residential Builders Commission to establish qualifications

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and fees for home inspectors similar to those which apply to residential builders and specialty contractors; **R. 1909**, promulgated by the Pilotage Commission for the Port of Charleston to add prerequisites for apprenticeship applications and repeal the age caps for pilots.

The Property and Casualty Insurance Subcommittee amended and gave a favorable report to **H. 4865**, legislation suggested by the Department of Insurance in the hopes of dissuading insurance companies from pulling out of the South Carolina market due to weighty assessments which may be charged to them by the state's Wind and Hail Association in order to keep the Association self sustained. If premiums charged by the Wind and Hail Association prove insufficient, all property and casualty insurers transacting businesses in this state may be called upon to share in the Association's losses (regardless of whether the insurer operates only in Greenville or Aiken Counties, for example, and the losses are sustained on the coast). In the wake of Hurricane Hugo, over forty licensed insurers have pulled out of the state for fear of sharing in these losses. The bill aims to correct the situation by allowing for flex rating, that is, an insurer would be allowed to file and use, without going through the lengthy pre-approval process, rates for wind coverage which are 90% or less than the rates charged by, and approved for, the Wind and Hail Association. Insurers would also be able to adjust rates according to such factors as use of storm shutters, distance from water, elevation, etc. The bill also provides legal immunity for the good faith actions of the Department of Insurance and the Wind and Hail Association. The Committee also recommended approval for **R. 1929**, a regulation promulgated by the Department of Insurance to repeal in their entirety the risk classifications and territories for automobile insurance, allowing the Director to promulgate revised plans, as authorized.

The Labor and Commerce Subcommittee amended and gave a favorable report to **H. 4545**, a bill redefining an electric utility's costs by: (1) requiring the Public Service Commission to review and set fuel costs every twelve months (rather than the current six) which a utility may recover through charges to customers; (2) allowing a utility to include sulfur dioxide emission allowances as part of fuel costs rather than capital costs; (3) making clear that a utility is allowed to include purchased power in fuel costs; (4) requiring that an electric utility operating a nuclear power plant at 90% net capacity make every reasonable effort to minimize the cost of operating its nuclear facility. The subcommittee amended and gave a favorable report to **H. 4546**, a bill which allows an electrical utility to sell or otherwise dispose of its utility property without the currently-required hearing before the Public Service Commission. Amendments to the bill allow the Public Service Commission to review such transactions through hearings as it sees fit, and requires the electrical utility to notify the Consumer Advocate when disposing of its property. The Subcommittee also reported favorably on **S. 1075**, a bill which authorizes the Public Service Authority to: (1) add Calhoun and Colleton to the list of counties in which it may purchase and operate water treatment and distribution facilities; (2) buy, sell, and distribute water in those counties as it may already do in Berkeley, Charleston, Clarendon, Dorchester, Orangeburg, and Sumter counties; and (3) transfer water from one river basin to another, which it is presently prohibited from doing.

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MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

The Medical, Military, Public and Municipal Affairs Committee gave favorable reports to the following bills: **H. 4568**, allowing the Mental Health Commission to establish on its own property state veterans' homes; **H. 4649**, creating a central cancer registry to compile data for use in combatting cancer; **H. 4277** which brings the state's employment discrimination law into accordance with the federal Americans with Disabilities Act; and, **S. 922** revising procedures for the Division of Foster Care Review.

The Military and Public Affairs Subcommittee gave a favorable report **H. 4404** which allows the legislative delegation to delegate its authority to recommend the appointment and removal of county veteran's affairs officers to the county governing body. The Subcommittee amended and reported favorably on **H. 4702**, "The Alzheimer's Special Care Disclosure Act," which requires any facility licensed by the Department of Health and Environmental Control to offer an Alzheimer's special care unit to include in its policies and procedures the specific form of care provided which makes the program especially suited to sufferers of Alzheimer's disease. The facility would also have to provide such information to those seeking to place someone in the special care program.

The Health and Environmental Affairs Subcommittee amended and gave favorable report to two bills. **H. 4392**, "The Osteoporosis Prevention and Treatment Act," creates a fund separate from the General Fund to be administered by the Department of Health and Environmental Control to promote public awareness, prevention, and treatment of osteoporosis. **H. 4677** requires a boxer to produce a physician's certification that he is free of HIV and AIDS before participating in a match.

The Occupational Regulation and Licensing Boards Subcommittee amended and reported favorably on **H. 4788** which allows a patient to receive treatment from a physical therapist without first receiving a referral from a doctor or dentist. The physical therapist would be authorized to refer a patient to a doctor or dentist should the patient's medical condition be beyond the PT's scope of practice. Amendments adopted by the subcommittee: (1) specify that insurance companies need not reimburse for any physical therapy services rendered without a doctor's or dentist's prescription; (2) make clear that physical therapists are not authorized to perform chiropractic services; and (3) requires the physical therapist to consult with the patient's physician or dentist within thirty days after commencement of the physical therapy.

WAYS AND MEANS

The full Ways and Means Committee did not meet last week. Neither did any of its subcommittees.

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BILLS INTRODUCED

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

H. 4915 VETERINARIANS Rep. Keyserling

The bill deletes provisions requiring reciprocal license acknowledgements of veterinarians. Instead the measure requires that veterinarians licensed in another state pass a written examination to practice in South Carolina.

H. 4931 ILL TREATMENT OF ANIMALS Rep. Cain

This skeletal measure will be designed to increase the penalty for ill treatment of animals.

H. 4949 SHRIMPING Rep. Seithel

The proposed legislation authorizes coastal property owners to shrimp from docks that they own which are adjacent to their property.

EDUCATION AND PUBLIC WORKS

S. 947 AFRICAN AMERICAN HISTORY MONUMENT Sen. Jackson

This joint resolution proposes that an African American History Monument be erected on the State House grounds and creates a commission to select its design and placement.

S. 1316 RETENTION OF STATE AGENCY RECORDS General Committee

This joint resolution recommends approval for Regulation 1904 promulgated by the Department of Archives and History to provide a general retention schedule for data processing and electronic records common to most state agencies and institutions.

H. 4890 DRIVER'S LICENSES Rep. Limehouse

This bill raises from sixteen to seventeen the minimum age at which one may obtain a driver's license and requires the successful completion of a driver's education course for obtaining or renewing a driver's license.

H. 4917 PROOF OF AUTO INSURANCE Rep. Stille

This bill requires that proof of valid auto insurance, in addition to vehicle registration, be carried while operating a vehicle and displayed to officers on request.

H. 4933 "BEAR'S BLUFF ROAD SCENIC HIGHWAY" Rep. Seithel

This bill designates a portion of South Carolina Highway 316 in Charleston County as "Bear's Bluff Road Scenic Highway."

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H. 4934 "MAYBANK SCENIC HIGHWAY" Rep. Seithel

This bill designates a portion of South Carolina Highway 700 in Charleston County as "Maybank Scenic Highway."

JUDICIARY

S. 659 HOSPITALITY CABINETS Sen. Cork

The bill provides that hotels with liquor licenses may establish in each room a locked "hospitality cabinet" containing no more than thirty mini-bottles.

S. 1033 YOUTH MENTOR PROGRAM Sen. Jackson

Similar to H. 4900, the measure requires that the Attorney General establish a youth mentor program which combines church and community resources. Participation in the program may be ordered by the Family Court as a pretrial diversion option, as an alternative case disposition for nonviolent offenders, or as a condition of probation.

S. 1035 MANDATES TO LOCAL GOVERNMENTS Sen. McGill

Concerning expenditures mandated to local governments by state government, the bill provides that such mandates contained in general and special appropriation acts passed by the Legislature do not have to receive two-thirds approval of the General Assembly in order to require that counties are bound by these mandates.

S. 1079 STATE EMPLOYEE GRIEVANCES Sen. Drummond

The bill authorizes binding arbitration as an alternative dispute resolution for state employee grievances. The measure specifies which grievances may be mediated, and requires that an employee initiate a grievance within fourteen days of the effective date of the action, rather than the current twenty-one days. This bill is similar to H. 4520 which received third reading in the House last week and was sent to the Senate for consideration.

S. 1114 MESNE CONVEYANCES Sen. Smith

The bill authorizes Georgetown County to establish a Register of Mesne Conveyances.

S. 1327 REAPPOINTMENT OF MAGISTRATES Sen. Holland

The proposed legislation prohibits the Governor from reappointing a magistrate who fails to meet training or certification requirements. The measure is similar to H. 4886, which also was assigned to the House Judiciary Committee last week.

H. 4884 INTENT TO COMMIT CRIME Rep. McElveen

This measure provides that it is unlawful for an inmate to tell another person that he plans to commit a crime when released. The person would be subject to penalty provisions applicable to the crime he says he intends to commit.

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H. 4886 REAPPOINTMENT OF MAGISTRATES Rep. Wright

The proposed legislation prohibits the governor from reappointing a person as magistrate who has failed to complete the required training or pass the certification examination. The bill is similar to S. 1327 which received third reading in the Senate last week, and was assigned to the House Judiciary Committee.

H. 4889 REGISTRATION/ELECTION BOARD/COMMISSION TRAINING Rep. Robinson

The bill requires members of voter registration boards and election and registration commissions to complete training and pass a certification examination within eighteen months after appointment or reappointment.

H. 4893 DIVORCE COUNSELING Rep. Easterday

This measure requires a couple to receive divorce counseling before a divorce may be granted.

H. 4900 YOUTH MENTOR ACT Rep. Howard

Similar to S. 1033, the proposed legislation enacts the "Youth Mentor Act." It requires that the Attorney General establish a youth mentor program based on community and church resources. Youthful nonviolent offenders could opt to voluntarily participate in the program. Also, the courts may order participation in the program as a pretrial intervention or a condition of probation.

H. 4906 PUBLIC SERVICE AUTHORITY Rep. Harrison

This bill prohibits the Public Service Authority from making charitable contributions or expending any funds except when directly related to purposes which the Authority was established to accomplish.

H. 4911 DRIVER RESPONSIBILITIES Rep. Neal

The measure revises penalties for a driver involved in an accident which results in death or injury to another. It also provides that failure to stop in such an accident is a felony punishable by a mandatory fine of five to ten thousand dollars (\$5,000-\$10,000) and mandatory imprisonment of thirty days to fifteen years when injury results. When death occurs, a mandatory fine of ten to twenty-five thousand dollars (\$10,000-\$25,000) and mandatory imprisonment of one to twenty-five years is imposed. No part of the fine or sentence could be suspended, or probated. In addition, the person's driver's license is suspended for the term of imprisonment plus three years. Current law only provides for punishment including a thirty day to one year sentence, or a one hundred to five thousand dollar (\$100-\$5,000) fine. Also, driving privileges are revoked.

H. 4913 FREEDOM OF INFORMATION ACT Rep. Hodges

Concerning public records, the bill provides that a person's name, address, and telephone number are exempt from disclosure under the Freedom of Information Act when requested for commercial solicitation.

H. 4916 DAYCARE LICENSING Rep. Wofford

The proposed legislation revises definitions and requirements of daycare facilities. Also, it provides that church sponsored daycare facilities must meet these requirements beginning October 1, 1996.

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H. 4918 STEALING ELECTRICITY Rep. Kennedy

The measure adds penalties for a second or subsequent offense of illegally connecting to electricity. An offender is guilty of a misdemeanor punishable by a fine of not more than ten thousand dollars (\$10,000), imprisonment of not more than three years, or both.

H. 4922 STATEMENTS OF INTENTION OF CANDIDACY Rep. Clyburn

The bill authorizes candidates to file their statements of intention of candidacy with the county election commission rather than the county executive committee of their respective party.

H. 4927 UNMARKED PATROL VEHICLES Rep. Loftis

In response to a recent nationally reported incident, this measure prohibits a department, agency, municipality, or county responsible for enforcing traffic laws from doing so while using unmarked patrol vehicles.

H. 4929 REGISTRATION OF MOTOR VEHICLE CARRIERS Rep. Jaskwhich

Concerning certification and registration violations of taxis, moving vans, and hazardous waste transporters, the bill provides that a person who either directly or indirectly violates these provisions is guilty of a misdemeanor punishable by a fine of not less than one hundred dollars (\$100) for a first offense, and not less than five hundred dollars (\$500) for a second offense. Subsequent offenses are subject to a fine of not less than one thousand dollars (\$1,000), a sentence not to exceed thirty days, or both. The measure also deletes the requirement that the Public Service Commission (PSC) mail copies of summons to motor vehicle carriers.

H. 4930 ECONOMIC DEVELOPMENT Rep. H. Brown

When fleshed out, this skeletal measure will provide a simplified procedure for using fee-in-lieu of taxes to promote economic development in the state.

H. 4932 LIENS Rep. Howard

Also a skeletal bill, this measure will revise provisions related to liens for repairs or storage, and the liability of certain lienholders.

H. 4936 HISTORICAL PROPERTY ACQUISITION Rep. Seithel

The bill authorizes the state to acquire historically valuable property by condemnation. The measure also requires that the state preserve and protect such property.

H. 4941 HATE CRIMES Rep. Breeland

The measure provides additional penalties for malicious injury to personal and real property with intent to assault, intimidate, or threaten certain persons. The bill provides that a person convicted of a "hate crime" is guilty of a felony, and must be fined two to ten thousand dollars (\$2,000-\$10,000), imprisoned two to fifteen years, or both. Two thousand dollars (\$2,000) of a fine or two years of a sentence may not be suspended. Also, the bill also revises the sentence for an offense against real property as well from the current ten years to fifteen years.

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H. 4942 UNMARKED PATROL VEHICLES Rep. Tripp

The proposed legislation requires the director of the Department of Public Safety to publish and place written copies of policies regarding the use of an unmarked patrol vehicle in each of these vehicles.

H. 4943 PROPORTIONATE LIABILITY UPON MULTIPLE DEFENDANTS Rep. S. Whipper

The skeletal bill provides that certain causes of action involving a special verdict to specify proportionate liability upon multiple defendants must be filed in magistrate's court.

H. 4944 VISITATION RIGHTS Rep. Neilson

Concerning visitation, the measure requires the Family Court to order travel expenses of the child be paid by the custodial parent, and that the length of visitation by the noncustodial parent be extended to reflect travel time.

H. 4948 JUDICIAL NOMINATING COMMISSION Rep. Neilson

The proposed legislation establishes the South Carolina Judicial Nominating Commission which would assist the General Assembly in selecting judges. The bill also provides for nominating and election procedures, and requires that legislators resign before applying to become judges.

LABOR, COMMERCE, AND INDUSTRY

S. 1269 PRIVATE PERSONNEL AGENCIES Sen. Rose

This bill would give the Secretary of State discretion in determining whether to renew the license of a private personnel agency when the licensee fails to meet the deadline for renewal.

H. 4902 SOUTH CAROLINA INFRASTRUCTURE BANK ACT Rep. Limehouse

This bill establishes a state infrastructure bank to provide loans and other financial assistance to government units and private entities to finance public highways and transit projects. The Department of Transportation is authorized to fund the bank with up to five percent of funds appropriated for construction and maintenance of state highways. Federal grants, loan repayments, etc. could be credited to the bank, and public and private entities could borrow from it.

H. 4912 REAL ESTATE AGENT CONTINUING EDUCATION Rep. J. Young

This bill raises from eight to sixteen the number of hours of continuing education required biennially for real estate agents to renew licenses.

H. 4928 CELLULAR TELECOMMUNICATIONS Rep. Jaskwich

This bill requires the Public Service Commission to monitor the cellular telecommunications industry in this state for the purpose of compiling data which would facilitate the state's regulation of this industry should the federal government transfer that regulatory function to the states.

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MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

H. 4894 RESERVE POLICE OFFICERS Rep. Neilson

This bill reduces the minimum logged service time required of reserve police officers from twenty to ten hours per month and from sixty to thirty hours per quarter.

H. 4921 HEARING AID FITTERS AND DEALERS Rep. Cato

This bill conforms professional and licensing boards for hearing aid fitters and dealers under a uniform framework for the organization and operation of professional and occupational boards.

H. 4935 IMPLANT WARNINGS Rep. Koon

This bill requires a physician to inform a patient of the advantages, disadvantages, risks, and manufacturers warnings before surgically implanting any foreign matter into the patient's body.

WAYS AND MEANS

S. 1190 SPOLETO LOAN Sen. Passailaigue

The \$1.2 million dollar Spoleto loan is to be repaid in three equal annual payments. This measure defers the first \$400,000 payment for a year until June 30, 1997.

S. 1278 COMMISSION ON PROSECUTION COORDINATION Sen. Holland

Concerning the Commission on Prosecution Coordination, the proposed legislation replaces the executive director of the South Carolina Criminal Justice Academy as a member of the Commission with the director of the Department of Public Safety.

S. 1315 SOUTH CAROLINA/GEORGIA BORDER Sen. Drummond

The bill specifies that measurements for the South Carolina/Georgia border, specifically the Lower Savannah River Region, are based on North American Datum 1927.

S. 1325 WATERCRAFT RESTRICTIONS ON LAKE WILLIAM C. BOWEN Sen. Reese

This measure authorizes the use of watercraft with one hundred ninety maximum horsepower on outdrive or inboard motors rather than the current limit of one hundred eighty horsepower.

H. 4883 RETIREMENT BENEFITS FOR FORMER LEGISLATORS/JUDGES Rep. Kirsh

Until recently, a former state legislator at least sixty-five years old who was employed by an agency participating in either the State Retirement System or the State Police Officers' Retirement System, was prohibited from collecting benefits from the Retirement System for Members of the General Assembly while employed by the agency. However, lawmakers overturned that prohibition. Introduced in response to recent media reports on the change in provisions, this bill reinstates the prohibition, affecting six former legislators. The measure also prohibits judges from drawing judicial pensions if becoming a legislator after retirement. The bill is similar to H. 4945.

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H. 4885 SALES TAX ON NEW TIRES Rep. Cromer

The measure provides that consumers do not have to pay sales tax on the two dollar (\$2) disposal fee on new tires.

H. 4891 PRODUCTS DEVELOPED BY HIGHER EDUCATION FACILITIES Rep. Davenport

This bill provides that institutions of higher education may sell products which they develop to public sector recipients. Other sales would require prior approval from the Budget and Control Board (B&C) or that no private sector vendors within the state sell a similar product.

H. 4892 CAPITAL GAINS TAXES Rep. Davenport

The proposed legislation limits the amount of capital gains which may be deducted from state income taxes to five hundred thousand dollars (\$500,000) per year. If reinvestment requirements are not met, proceeds not reinvested within the required period must be added to taxable income in the year the period expires.

H. 4901 HOMESTEAD EXEMPTION FOR SCHOOL PROPERTY TAXES Rep. Waldrop

Concerning property tax relief, this bill requires that the state reimburse at least ninety per cent of property taxes levied for school operations no later than October 15th each year. The balance be paid no later than the next March 1st.

H. 4914 CORPORATE INCOME TAX Rep. Canty

The bill allows an exclusion of twenty-eight and one half per cent for sole proprietors, subchapter "S" corporation shareholders, partners, and members of limited liability companies. However, this deduction would be capped at ten thousand dollars (\$10,000), and would be phased out as income rises.

H. 4919 GAS TAX EXEMPTIONS Rep. Hallman

This measure deletes the sales tax exemption for gasoline and other motor fuels, but leaves in place the exemption for farming and commercial fishing purposes. It also dedicates all of the gas tax collected to the state highway fund to be used for new road construction.

H. 4920 LOCAL GOVERNMENT INVESTING Rep. Carnell

The proposed legislation authorizes local governments to invest in stocks. Currently state and local governments are allowed to invest only in fixed income securities such as bonds and savings accounts. Investment in stocks has been prohibited since stocks are traditionally more volatile, and thus produce greater returns. South Carolina is one of only three states with such a prohibition.

H. 4923 STATE INCOME TAX DEDUCTIONS Rep. Richardson

The measure increases the state income tax deduction for a person sixty-five years old or older on a sliding scale according to age and deduction percentages. Twenty per cent of income would be tax exempt for a person sixty-five years old; forty per cent for someone sixty-six years old; sixty per cent when the person is sixty-seven years old; and eighty per cent for those sixty-eight years old. No more taxes would be paid by a person over sixty-eight years old. The bill also provides for cases in which spouses file joint state income tax returns, but one spouse is ineligible for the deduction.

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H. 4925 PROPERTY TAX EXEMPTIONS Rep. Littlejohn

Under this bill, a person who is blind and permanently and totally disabled is exempted from paying property tax on his primary residence.

H. 4940 SPECIAL PURPOSE/PUBLIC SERVICE DISTRICT PROPERTY TAX Rep. Seithel

The measure requires that if a special purpose district or public service district levies a tax millage in the county area, a portion of the distribution to the county must be used to provide a credit against the district property tax liability of taxpayers in the district.

H. 4945 LEGISLATIVE/JUDICIAL RETIREMENT BENEFITS Rep. Fleming

Similar to H. 4883, the bill addresses retirement benefits of some former legislators and judges. In the past, a former state legislator at least sixty-five years old or older who was employed by an agency participating in either the State Retirement System or the State Police Officers' Retirement System, was prohibited from collecting benefits from the Retirement System for Members of the General Assembly while employed by the agency. Lawmakers overturned that prohibition, but recent media attention prompted the introduction of these bills to reinstate the prohibition. The measure also prohibits judges from drawing judicial pensions if becoming a legislator after retirement.

H. 4946 DISBURSEMENT OF REVENUES Rep. Govan

This skeletal bill will provide for the disbursement of certain state and federal funds for educational purposes.

H. 4947 LEGISLATIVE RETIREMENT BENEFITS Rep. Rogers

Another skeletal bill, the measure will eliminate prospectively the Retirement System for Members of the General Assembly. Instead legislators would participate in the State Retirement System.

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FOOTNOTE

The Legislative Update is now on-line! Members and staff who are on the network may access documents by pressing "List Files (F5)," then typing "H:\UPDATE" and pressing "enter." All of the Legislative Updates will be listed by week. Using up/down arrows, choose the Legislative Update which corresponds to the week you need and press "enter."

If you need or prefer to access the Legislative Update through the World Wide Web, visit the South Carolina General Assembly Home Page. Click on the "Quick-Find Guide" on the first page. Click on "Reports" on the next page. This will list all of the Legislative Updates by week. Click on the week you need.

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